

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
June 28, 2022

I. LAND ACKNOWLEDGEMENT – Read by Chairman LeVine.

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land, and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

II. ROLL CALL

Michael LeVine, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in Assembly Chambers of the Municipal Building, virtually via Zoom Webinar, and telephonically, to order at 7:02 p.m.

Commissioners present: Commissioners present in Chambers– Michael LeVine, Chairman; Travis Arndt, Deputy Clerk; Dan Hickok; Mandy Cole; Joshua Winchell; Erik Pedersen

Commissioners present via video conferencing – Paul Voelckers, Clerk

Commissioners absent: Ken Alper

Staff present: Jill Maclean, CDD Director; Adrienne Scott, Planner I; Chelsea Wallace, CDD Administrative Assistant II; Ryan Roguska, CDD Administrative Assistant I; Sherri Layne, Law Assistant Municipal Attorney

Assembly members: None

III. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

Chair LeVine moved APL2021 0006: Juneau Cooperative Christian Ministry, dba The Glory Hall v. CDD – Continued from the May 24, 2022 Planning Commission Meeting from Unfinished Business to Executive Session

IV. APPROVAL OF MINUTES

A. May 10, 2022 Draft Minutes, Regular Planning Commission

MOTION: *by Mr. Hickok to approve the May 10, 2022 Planning Commission Regular Meeting minutes.*

B. May 24, 2022 Draft Minutes, Regular Planning Commission

MOTION: *by Mr. Hickok to approve the May 24, 2022 Planning Commission Regular Meeting minutes.*

V. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION – Mr. LeVine explained the process for hearing and participating in the meeting.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

VII. ITEMS FOR RECONSIDERATION – None

VIII. CONSENT AGENDA USE2022 0008 moved to Regular Agenda by Commissioner Voelckers.

USE2022 0008: ~~_____ A proposed Conditional Use Permit for a 33-unit apartment building~~

Applicant: ~~_____ Alaska State Legislature~~

Location: ~~_____ 211 Fourth Street~~

Staff Recommendation

~~Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of a 33-unit apartment building.~~

IX. UNFINISHED BUSINESS – Moved to Executive Session.

~~A. APL2021 0006: Juneau Cooperative Christian Ministry, dba The Glory Hall v. CDD –
Continued from the May 24, 2022 Planning Commission Meeting~~

X. REGULAR AGENDA

USE2022 0008: A proposed Conditional Use Permit for a 33-unit apartment building
Applicant: Alaska State Legislature
Location: 211 Fourth Street

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of a 33-unit apartment building.

STAFF PRESENTATION – Director Maclean gave a brief overview of the proposed project.

APPLICANT PRESENTATION – Wayne Jensen from Jensen Yorba Wall Architects, representing the Alaska State Legislature, presented the project. They are proposing to restore the Assembly Building from an office building to an apartment building to provide housing for legislators and legislative staff.

QUESTIONS FOR APPLICANT

Mr. Voelckers asked the applicant to expand on the possibility of using the building for other housing outside of session. Mr. Jensen said that would be up to the legislative council in charge of the building management.

MOTION: *by Mr. Winchell to accept staff's findings, analysis, and recommendations, and approve USE2022 0008.*

The motion passed with no objection.

Prior to hearing USE2022 0007 Mr. Winchell recused himself due to a conflict.

USE2022 0007: A Conditional Use Permit for a marijuana retail store
Applicant: Kent & Deborah Hart
Location: 824 Front Street

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings and

APPROVE WITH CONDITIONS the requested Special Use Permit. The permit would allow the development of a Marijuana Retail Facility.

The approval is subject to the following condition:

1. Prior to operation, the applicant must receive the required State and CBJ Licenses. By approval of this Special Use Permit, the Planning Commission does not take a position as to whether the application to the State satisfies the requirements of the State License, including if the facility is within 500 feet of a school.

STAFF PRESENTATION – Ms. Maclean explained this is a proposal for new construction for a Marijuana retail establishment.

APPLICANT PRESENTATION – Julie Hamilton explained this is for new construction for a retail marijuana establishment in Douglas. Ms. Hamilton said there is a demand for retail marijuana in the area as there is currently none on Douglas Island. The new construction would be a small storefront on property owned by the applicants.

QUESTIONS FOR APPLICANT

Mr. Arndt asked who lives in the home on the property. Ms. Hamilton explained it is currently used as an Airbnb and is expected to remain as such.

Mr. LeVine asked if the location was more than 500 feet from the Montessori School. Ms. Hamilton said Kent Hart had measured it personally to confirm it is beyond the 500-foot mark before they started the permit process.

PUBLIC COMMENT

Rachel Hightower, 106 Dock Street – Ms. Hightower spoke to say she is a direct neighbor to the proposed location. She has no issue with marijuana, in general. However, she said she does have concerns about the shop being located so close to where small children congregate. Children live nearby, there is a school, a school bus stop and the beach all in the near area.

Ms. Cole acknowledged that the proximity to small children was an issue for Ms. Hightower and asked if the problem was the marijuana or the increase in traffic. Ms. Hightower said the problem was the increase in traffic.

Betsy Longenbaugh – Ms. Longenbaugh testified against the permit. She felt there were issues with the many children in the area and the possibility for increased intoxicated drivers. She also felt there was not much public notice.

Mr. LeVine explained this lot was rezoned from Waterfront Industrial to Light Commercial and asked what Ms. Longenbaugh would consider a good commercial use of this lot. She said a shop providing boating equipment or a small grocery store would make sense.

Ben Burns, 106 Dock Street – Mr. Burns lives across from the proposed location and has a 5-year-old daughter. He testified that marijuana should not be sold where small children go to school, live, and play.

Ed Schoenfeld – Mr. Schoenfeld said the public notice sign was not located prominently where it could have been seen.

Jerry Roe – Ms. Roe lives at the Fire Pump next door. She said Front Street is a foot path in a neighborhood of kids. Considering what alternative light commercial uses would make sense, she suggested a coffee and sandwich shop to cater to boaters and fishermen.

Joshua Winchell – Mr. Winchell spoke saying this is a high trafficked area with many small children. He agrees with the other commenters.

ADDITIONAL APPLICANT COMMENTS

Ken Hart spoke to say that this is zoned light commercial and if they opened another type of business, they would have the same increase in traffic. He does not foresee problems with intoxication as he believes people will make their purchases and take them home.

Ms. Hamilton said she did not expect there to be a problem with large increases in traffic and pointed out that the marijuana shops in town are not usually busy. She pointed out public consumption of marijuana is already illegal. The view of the storefront will be obstructed by vegetation and the windows will be covered. Loitering will be prohibited and employees will receive training regarding marijuana laws.

Ms. Hamilton explained planned store hours will be something like 10:00 or 11:00 a.m. to 7:00 p.m. This would provide employment for 4 to 8 persons. Mr. Hart added that the proposed location is about equidistant to the distance between Montessori and Louie's bar.

COMMISSIONER QUESTIONS

Mr. Voelckers asked how the lighting and signage would work without creating an attractive nuisance. Ms. Hamilton explained lighting and signage are dictated by State Law and they would follow that. Mr. Hart added CBJ requires lighting to be 'down lighting' and they would abide by that as well.

Mr. Pedersen asked if there are any road improvements planned as part of the construction. Mr. Hart said it is not included in their plans.

COMMISSIONER DISCUSSION

Mr. Arndt asked staff if the department followed Title 49 public notice and signage rules. Ms. Maclean said they followed all requirements in accordance with the Land Use code. Required legal ads were posted in the newspaper, a red public notice sign was posted, abutter notifications were mailed to all abutters within 500 feet, and they notified neighborhood associations registered with the City Clerk.

Mr. LeVine asked if the condition is written to explain the PC stance that they do not consider the 500-foot rule as that is a state rule and not one under the purview of PC.

MOTION: *by Ms. Cole to accept staff's findings, analysis, and recommendations, and approve USE2022 0007.*

Ms. Cole spoke to her motion saying she appreciates the input of the public. However, the area is zoned light commercial and this is a light commercial use and she will support the use.

Mr. Voelckers spoke to say he agrees with Ms. Cole's statements. He understands the neighborhood concerns with a marijuana establishment in their area but added cannabis has been legal for about 5 years now and there have been no major issues thus far.

Mr. Pedersen spoke in support of the motion saying he could envision a 'more appropriate' use but it is not up to the PC to tell property owners how to use their property if it is within zoning. He added this is a side effect of changing the zoning from waterfront industrial to light commercial.

Mr. LeVine said he would also be in support.

The motion passed with no objection on Roll Call Vote.

Mr. Winchell returned to the panel.

XI. OTHER BUSINESS – None

XII. STAFF REPORTS

Ms. Maclean reported CDD is working on the Comprehensive Plan Scope of Services.

XIII. COMMITTEE REPORTS

Mr. Arndt said the CIP Committee could begin meeting but he does not know what is currently expected. Mr. LeVine explained that at the last meeting the Director suggested consulting with Scott Ciambor.

Mr. Arndt reported Title 49 did not meet. He asked if Committee members would be interested in switching from every third Thursday to the third Thursday of the month each month. Members agreed and they will make that change. The next Title 49 meeting will be July 21. Ms. Maclean will not be in town for that meeting and asked that members please contact her ahead of time with any questions or requests.

Ms. Cole reported the Lands Housing and Economic Development Committee met yesterday and they discussed:

- A no-cost lease of CBJ property to Harris Technologies for some safety equipment for the FAA. The Committee voted to forward that to the Assembly. However, Lands and Resource Department Manager, Dan Bleidorn, has emailed to say the Ordinance they were using does not apply, so that may be changing.
- Lease cost increases for JACC and Centennial Hall.
- CBJ naming policy – considering naming streets, parks, and other areas using indigenous names

XIV. LIAISON REPORTS – None

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

Due to Mr. Dye's absence, the current officers will move up. Mr. Voelckers is the Vice Chairman, Mr. Arndt is now the Clerk, and Mr. Hickok is the Deputy Clerk.

The Assembly has extended the recruitment period to fill the seat vacated by Mr. Dye's departure.

XVII. EXECUTIVE SESSION

- A. APL2021 0006: Juneau Cooperative Christian Ministry, dba The Glory Hall v. CDD, if needed

Commissioners LeVine and Cole did not participate in the original hearing and are not eligible to participate in Executive Session hearing the appeal and were recused.

MOTION: *by Mr. Pedersen to enter Executive Session to discuss APL2021 0006*

The motion passed with no objection

Executive Session from 8:23 p.m. until 9:50 p.m.

MOTION: *by Mr. Winchell stating The Planning Commission finds that the Director erred in her interpretations of CBJ 49.70.300(a)(3) and remands APL2021 0006 to CDD to work with The Glory Hall to initiate the Conditional Use Permit.*

The motion passed with no objection on Roll Call Vote.

XVIII. ADJOURNMENT – 9:54 p.m.

Next meeting July 26, 2022 7:00 p.m.